

Docket 53602-6

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Re:

Applicant: PISONY, Murray Walter

Group Art Unit: 3652

Serial No.: 11/160,060

Examiner: ADAMS, Gregory W

Filed: 06/07/2005

For: ALL TERRAIN LUMBER COLLECTION AND STACKING APPARATUS

Honourable Commissioner of Patents  
and Trademarks,  
Washington, D.C. 20231,  
U.S.A.

Sir:

**AMENDMENT**

In response to the office action of September 28, 2007, applicants submit the following amendments and remarks:

In the Claims:

Amend claims 1, 8, 9 and 16, cancel claim 2 and add new claims 23 and 24 such that the claim set reads as follows:

1. (currently amended) An apparatus for picking up, stacking and bundling lumber, comprising:
  - (a) a drive means,
  - (b) a conveyor assembly that comprises a receiving bin and a conveyor,
  - (c) a stacking assembly operatively connected to the conveyor assembly, and that comprises an unscrambling hopper, a row conveyor, a stacking bin and a bundling assembly
  - (d) a discharge platform, and
  - (e) a grapple assembly including an arm extending upwardly from the apparatus and a grapple on an outboard end of the arm, the grapple including at least two fingers sized and connected by a pivotal connection such that the fingers can be opened and closed to pick up lumber pieces therebetween and the arm being pivotally moveable to deposit the lumber pieces into the receiving bin.
2. (cancelled)
3. (original) The apparatus of claim 1, wherein the drive means is a vehicle and the grapple assembly is mounted to the vehicle.
4. (original) The apparatus of claim 3, wherein the conveyor assembly, stacking assembly and discharge platform are on a trailer that is pulled by the vehicle.
5. (original) The apparatus of claim 1 further comprising a storage area.
6. (original) The apparatus of claim 4 further comprising a storage area on the trailer.

7. (original) The apparatus of claim 1 further comprising a means of raising and lowering the conveyor assembly.

8. (currently amended) The apparatus of claim [[4]] 1 further comprising a ~~means of raising and lowering the conveyor assembly~~ a pivoting arrangement for tilting the stacking assembly relative to a chassis of the apparatus to provide for substantial leveling of the stacking assembly when operating on uneven ground surfaces.

9. (currently amended) A method of picking up, stacking and bundling lumber, comprising:

(a) providing an apparatus that comprises:

(i) a conveyor assembly that comprises a receiving bin and a conveyor;

(ii) a stacking assembly operatively connected to the conveyor assembly, and that comprises an unscrambling hopper, a row conveyor, a stacking bin and a bundling assembly;

(iii) a discharge platform, and

(vi) a grapple assembly including an arm extending upwardly from the apparatus and a grapple on an outboard end of the arm, the grapple including at least two fingers connected by a pivotal connection such that the fingers can be opened and closed to grip a piece of lumber between the fingers,

(b) picking up loose lumber with the grapple and ~~depositing it~~ moving the grapple with the arm to deposit the loose lumber into the receiving bin, and

(c) conveying the loose lumber along the conveyor to the stacking assembly, where the lumber is stacked and bundled into a bundle of lumber and deposited onto the discharge platform.

10. (original) The method of claim 9 further comprising the step of picking up the bundle of lumber from the discharge platform with the grapple and transferring it to a secondary location.

11. (original) The method of claim 10 wherein the secondary location is a storage area provided on the apparatus.

12. (original) An apparatus for picking up, stacking and bundling lumber, comprising:

(a) a drive vehicle comprising a grapple assembly,

(b) a trailer pulled by the drive vehicle that comprises:

(i) a conveyor assembly further comprising a receiving bin and a conveyor,

(ii) a stacking assembly operatively connected to the conveyor assembly, further comprising an unscrambling hopper, a row conveyor, a stacking bin and a bundling assembly, and

(iii) a discharge platform,

wherein the grapple assembly comprises a grapple sized to pick up lumber and a bundle of lumber,

and wherein the grapple assembly is sized to pick up lumber from a ground surface, to deposit said lumber into the receiving bin, and to pick up a bundle of lumber deposited onto the discharge platform.

13. (original) The apparatus of claim 12 further comprising a storage area on the trailer.

14. (original) The apparatus of claim 13 wherein the grapple assembly is sized to pick up a bundle of lumber and deposit the bundle of lumber in the storage area.

15. (original) The apparatus of claim 12 further comprising a mast assembly for raising and lowering the conveyor assembly.



16. (currently amended) The apparatus of claim 12 further comprising ~~a mast assembly for raising and lowering the conveyor assembly~~ a pivoting arrangement for tilting the stacking assembly relative to a chassis of the trailer to provide for substantial leveling of the stacking assembly when operating on uneven ground surfaces.

17. (original) The apparatus of claim 15 further comprising means for adjusting the length of the unscrambling hopper.

18. (original) The apparatus of claim 16 further comprising means for adjusting the length of the unscrambling hopper.

19. (original) The apparatus of claim 15 further comprising means for adjusting the length of the stacking bin.

20. (original) The apparatus of claim 16 further comprising means for adjusting the length of the stacking bin.

21. (original) The apparatus of claim 15 further comprising means for adjusting the width of the stacking bin.

22. (original) The apparatus of claim 16 further comprising means for adjusting the width of the stacking bin.

23. (new) The apparatus of claim 1 wherein the arm is pivotally mounted to rotate about a substantially vertical axis on the apparatus about 360 degrees.

24. (new) The apparatus of claim 1 wherein the arm includes a first length including a first end mounted for lateral extension from the apparatus and an opposite end and a second length pivotally connected to the opposite end for further lateral reach by the arm, the second length defining the outboard end to which the grapple is connected.

**REMARKS**Claim Rejections – 35 USC § 102

The Examiner rejected claims 1 to 22 as being anticipated by McLeod et al (CA Patent Application 2315046). Since a rejection under 35 USC 102 for anticipation requires that the single reference teach each and every element of the rejected claim (*Atlas Powder v. E.I. DuPont*, 750 F.2d 1569 (224 USPQ 409) (Fed. Cir. 1984)), applicants respectfully submit that the rejection under 102 based on McLeod fails to meet this test.

In particular, claims 1 and 9 define a grappling assembly including an arm extending upwardly from the apparatus and a grapple on an outboard end of the arm, the grapple including at least two fingers connected by a pivotal connection such that the fingers can be opened and closed to grip/pick up a piece of lumber. McLeod et al. neither teaches nor suggests such a grappling assembly.

Claim 12 defines a number of elements not disclosed in the prior art. In particular, claim 12 defines an apparatus for handling lumber, including at least: (i) a drive vehicle comprising a grapple assembly and (ii) wherein the grapple assembly is both sized to pick up lumber from a ground surface and sized to pick up a bundle of lumber deposited onto the discharge platform. Neither element (i) nor (ii) is taught or suggested by McLeod et al.

Since all other claims depend from one of the above-noted claims, it is submitted that all claims of the application patentably distinguish over the cited art.

Beyond that, however, we note that the subject matter of claims 3, 7, 8, 10, 15, 16, 23 and 24 each is not taught or suggested in the cited prior art.

**Conclusions**

The claims are believed to be in a condition for allowance and such allowance is respectfully requested.

Respectfully submitted,



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